

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

JOHN EVERETT,)
)
Plaintiff, pro se,)
)
v.)
)
LAWYERS MUTUAL LIABILITY)
INSURANCE and REINHARDT)
MILAM & FISHER,)
)
Defendants.)

**MEMORANDUM OPINION
AND RECOMMENDATION**

1:10CV827

This matter is before the court on motions to remand by Defendant Lawyers Mutual Liability Insurance (docket no. 8) and Defendant Reinhardt Milam & Fisher law firm (docket no. 11). Plaintiff has responded in opposition to the motions. In this posture, the matter is ripe for disposition. Since there has been no consent, the court must deal with the motions to remand by way of a recommended disposition. For the reasons discussed herein, it will be recommended that the motions to remand be granted.

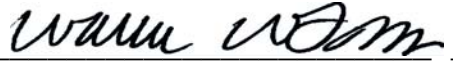
Background

On September 8, 2010, Plaintiff John Everett filed a pro se lawsuit in Durham County Superior Court against Lawyers Mutual Liability Insurance and the Reinhardt Milam & Fisher law firm. (Case No. 10 CVS 05422, Durham County Superior Court.) On November 5, 2010, Plaintiff filed several documents with this court, including a purported "Petition for Removal," with attachments consisting of various

documents from the state court action. Thus, Plaintiff has attempted to remove his case from state court to this court. When a party moves for remand, the burden is on the removing party to show that the requirements for removal have been met. *Strawn v. AT & T Mobility LLC*, 530 F.3d 293, 296-97 (4th Cir. 2008). Plaintiff has wholly failed to satisfy his burden to show that removal was proper, as the federal statute regarding removal simply does not allow for a plaintiff to remove his own case from state court to federal court. See 28 U.S.C. § 1441; *Am. Int'l Underwriters (Philippines), Inc. v. Continental Ins. Co.*, 843 F.2d 1253, 1260 (9th Cir. 1988) (stating that the right to remove from state court to federal court “is clearly limited to defendants”). Thus, the motions to remand should be granted.

Conclusion

For the reasons stated above, it is **RECOMMENDED** that the court **GRANT** Defendants' motions to remand (docket nos. 8, 11).


WALLACE W. DIXON
United States Magistrate Judge

Durham, NC
January 25, 2011